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6 Attorneys for Defendants  
 GUIDANT CORPORATION, GUIDANT SALES  
 7 CORPORATION, CARDIAC PACEMAKERS, INC.,  
 and BOSTON SCIENTIFIC CORPORATION  
 8

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 (SAN FRANCISCO DIVISION)

PJH

12 EINAR NELSEN, individually and as successor )  
 13 in interest to decedent, CECELIA NELSEN )

Case No. C 06-05170 JCS

14 Plaintiffs, )

**AMENDED STIPULATION AND**  
**[PROPOSED] ORDER TO CONTINUE**  
**PRETRIAL DEADLINES**

15 vs. )

16 GUIDANT CORPORATION; GUIDANT )  
 17 SALES CORPORATION; CARDIAC )  
 PACEMAKERS, INC.; BOSTON SCIENTIFIC )  
 18 CORPORATION; JOHN MUIR HEALTH; and )  
 Does 1 through 100, inclusive, )

19 Defendants. )  
 20 )  
 21 )

22 IT IS HEREBY STIPULATED by and between the parties through their designated counsel  
 23 that the deadline for Defendants to answer or otherwise respond to Plaintiffs' Complaint in this  
 24 action should be extended. Defendants seek to transfer this case to the Multi-District Litigation  
 25 proceeding established in the United States District Court, District of Minnesota ("MDL court"), and  
 26 Plaintiffs have indicated that they will soon be filing a motion to remand this case to state court.  
 27 Accordingly, the following deadlines will be modified as follows:  
 28

1 The deadline for Defendants to file an answer or otherwise respond to Plaintiffs' complaint  
2 shall be as follows:

3 (a) if the case is not remanded to state court, and is transferred to the MDL court, any  
4 response will be due pursuant to a deadline set by the MDL court;

5 (b) if the case is not remanded and also is not transferred to the MDL court, any response  
6 will be due thirty (30) days after the decision by the JPML denying transfer to the MDL court; or

7 (c) if the case is remanded, any response will be due thirty (30) days after the remand  
8 decision by this Court.

9 The parties also stipulate that the November 20, 2006, case management conference will be  
10 continued for sixty (60) days until January <sup>25</sup>\_\_, 2007. All other deadlines will be set pursuant to  
11 Federal and local rule.

12 IT IS SO STIPULATED.

13  
14 DATED: September 1, 2006

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

15  
16  
17 By:  \_\_\_\_\_

DANA N. GWALTNEY  
SARA J. ROMANO

18  
19 Attorneys for Defendants  
GUIDANT CORPORATION, GUIDANT SALES  
20 CORPORATION, CARDIAC PACEMAKERS, INC.  
and BOSTON SCIENTIFIC CORPORATION

21  
22 DATED: September \_\_, 2006

Respectfully submitted,

23 GILLIN, JACOBSON, ELLIS & LARSEN

24  
25 By: \_\_\_\_\_

LUKE ELLIS  
KRISTIN LUCEY

26  
27 Attorneys for Plaintiff EINAR NELSEN, individually  
and as successor in interest to decedent, CECELIA  
28 NELSEN

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Dated: September 8, 2006



1 The deadline for Defendants to file an answer or otherwise respond to Plaintiffs' complaint  
2 shall be as follows:

3 (a) if the case is not remanded to state court, and is transferred to the MDL court, any  
4 response will be due pursuant to a deadline set by the MDL court;

5 (b) if the case is not remanded and also is not transferred to the MDL court, any response  
6 will be due thirty (30) days after the decision by the JPML denying transfer to the MDL court; or

7 (c) if the case is remanded, any response will be due thirty (30) days after the remand  
8 decision by this Court.

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10 continued for sixty (60) days until January \_\_, 2007. All other deadlines will be set pursuant to  
11 Federal and local rule.

12 IT IS SO STIPULATED.

13  
14 DATED: September \_\_, 2006

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

15  
16  
17 By: \_\_\_\_\_

DANA N. GWALTNEY  
SARA J. ROMANO

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19 Attorneys for Defendants  
GUIDANT CORPORATION, GUIDANT SALES  
20 CORPORATION, CARDIAC PACEMAKERS, INC.  
and BOSTON SCIENTIFIC CORPORATION

21  
22 DATED: September 1, 2006

Respectfully submitted,

23 GILLIN, JACOBSON, ELLIS & LARSEN

24  
25 By: \_\_\_\_\_

LUKE ELLIS  
KRISTIN LUCEY

26  
27 Attorneys for Plaintiff EINAR NELSEN, individually  
and as successor in interest to decedent, CECELIA  
28 NELSEN